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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 **RICHARD JAMES JUNIEL, JR.,**

Petitioner,

13 v.

14 **T. FELKNER, Warden,**

15 Respondent.
16

C 08-4542 RMW (PR)

**[PROPOSED] ORDER GRANTING
RESPONDENT'S MOTION TO
DISMISS FOR FAILURE TO
EXHAUST STATE REMEDIES**

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18 GOOD CAUSE APPEARING, respondent's motion to dismiss the petition for writ of
19 habeas corpus for failure to exhaust state remedies is granted. 28 U.S.C. § 2254(b); *Rose v. Lundy*,
20 455 U.S. 509 (1982).

21 DATED: _____

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23 _____
24 RONALD M. WHYTE
25 UNITED STATES DISTRICT JUDGE
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